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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/489,467	01/21/2000	Bahram Ghaffarzadeh Kermani	CURTIN 11-46-14	5885
7590	11/01/2006		EXAMINER	
William H Bollman Manelli Denison & Selter PLLC 2000 M Street, NW Suite 700 Washington, DC 20036-3307			POPE, DARYL C	
			ART UNIT	PAPER NUMBER
			2612	
			DATE MAILED: 11/01/2006	

Please find below and/or attached an Office communication concerning this application or proceeding.

<b>Office Action Summary</b>	<b>Application No.</b>	<b>Applicant(s)</b>	
	09/489,467	KERMANI ET AL.	
	<b>Examiner</b>	<b>Art Unit</b>	
	DARYL C. POPE	2612	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

#### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

#### Status

- 1) Responsive to communication(s) filed on 30 August 2006.
- 2a) This action is FINAL.                    2b) This action is non-final.
- 3) Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

#### Disposition of Claims

- 4) Claim(s) 1-44 is/are pending in the application.
- 4a) Of the above claim(s) 28-31 and 36-43 is/are withdrawn from consideration.
- 5) Claim(s) \_\_\_\_\_ is/are allowed.
- 6) Claim(s) 1-27,32-35 and 44 is/are rejected.
- 7) Claim(s) \_\_\_\_\_ is/are objected to.
- 8) Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

#### Application Papers

- 9) The specification is objected to by the Examiner.
- 10) The drawing(s) filed on \_\_\_\_\_ is/are: a) accepted or b) objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

#### Priority under 35 U.S.C. § 119

- 12) Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
  - a) All    b) Some \* c) None of:
    1. Certified copies of the priority documents have been received.
    2. Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
    3. Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

#### Attachment(s)

- |  |   |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)  | 4) <input type="checkbox"/> Interview Summary (PTO-413)           |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)   | Paper No(s)/Mail Date. _____.                                     |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08)<br>Paper No(s)/Mail Date <u>5/23/01</u> . | 5) <input type="checkbox"/> Notice of Informal Patent Application |
|  | 6) <input type="checkbox"/> Other: _____.                         |

## DETAILED ACTION

### ***Election/Restrictions***

1. Applicant's election with traverse of Invention I in the reply filed on 8/30/2006 is acknowledged. The traversal is on the ground(s) that all claims have already been examined and considered and an Office Action with regards to all claims issued. This is not found persuasive because in accordance with MPEP 811, "***a restriction requirement will normally be made before any action on the merits; however it may be made at any time before final action***".

The requirement is still deemed proper and is therefore made FINAL. Accordingly, claims 28-31, and 36-43 have been withdrawn from consideration and therefore have not been treated on their merits.

### **ART REJECTION:**

#### ***Claim Rejections - 35 USC § 102***

2. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

3. Claims 1-3,5-8,11,13-17,19-22,25-27,32-35, and 44 are rejected under 35 U.S.C. 102(e) as being anticipated by Lemelson et al(6,275,773).

-- In considering claim 1, the claimed subject matter that is met by Lemelson et al(Lemelson) includes:

1) the wireless transmitter is met by the control transceiver(30);  
2) the digitized measurement of an operational aspect of a first moving vehicle is met by the control computer(38) which interacts with GPS transceiver(34) for transmitting and receiving digitized measurements of operational information of various vehicle sensors and relaying vehicle operational aspects to other vehicles via control center(12)(see: column 19, lines 13 et seq; column 20, lines 1-11).

-- With regards to claim 2, the wireless receiver and display in the second vehicle is met since each vehicle in the system includes the same equipment(i.e. transceiver(34), display(46), etc.)

-- With regards to claim 3, the wireless receiver adapted to receive signals from a wireless transmitter fixed a roadway is met by the transceivers(34) receiving signals from the control center(12) and towers(10).

-- With regards to claims 5-8, and 11, the operational aspect being speed, direction, location, braking, and performance is met(see: column 19, lines 55 et seq; column 20, lines 1-11).

-- With regards to claim 13, the wireless receiver is met by the transceiver(34) and the display is met by the display(46).

-- With regards to claim 14, the navigational system in communication with the controller is met by the system of figure 3 performing as a navigational computer system(see: column 31, lines 42 et seq).

- Claims 15-17 recite subject matter that is met as discussed in claim 1 above.
- Claims 19-20 recite subject matter that is met as discussed in 5-8, and 11 above(see: column 20, lines 1-11).
- Claims 21-22 recite subject matter that is met in claim 1 above, since a temporary network is established when at least two vehicles communicate directly between each other, or via the control center/tower.
- Claim 25 recites subject matter that is met as discussed in claim 1 above.
- Claims 26-27 recite subject matter that is met as discussed in claim 1 above.
- Claims 32-33 recite subject matter that is met as discussed in claim 1 above.
- Claim 34 recites subject matter that is met as discussed in claims 5-8, and 11 above.
- Claim 35 recites subject matter that is met as discussed in claim 13 above.
- Claim 44 recites subject matter that is met as discussed in claim 1 above.

***Claim Rejections - 35 USC § 103***

4. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

5. Claims 4,9-10,12,18,23-24 are rejected under 35 U.S.C. 103(a) as being unpatentable over Lemelson et al(Lemelson).

-- With regards to claim 4, although not specifically stated, it would have been obvious that the control center(12) of Lemelson would have included some form of database,

since it would have been responsible for transmitting information between a multitude of vehicles, and therefore would have required to keep track of which vehicle would have been transmitting information at any particular time.

-- With regards to claims 9-10, although Lemelson does not specifically teach the operational aspect indicating measured slippage of at least one wheel o the first vehicle or indication of a lane occupied by the vehicle, it would have been obvious to one of ordinary skill in the art at the time the invention was made to incorporate these indications into the vehicle system of Lemelson, since use of these indication is well known in the vehicle art, and therefore would have further enhanced the system of Lemelson since Lemelson already desires to warn of potential accidents, and therefore wheel slippage is a direct indication of factors(i.e. icy roads, mud, wetness, etc) which could cause an accidents.

Furthermore, since Lemelson already includes vehicle location information as vehicle operational aspects, it would also have been obvious to indicate lane occupancy, since various factors that are indicated and transmitted to other vehicle may be lane specific situations on particular roads traveled by the first vehicle.

-- With regards to claims 12 and 23-24, the examiner takes Official Notice that in the vehicle communication art, use of Bluetooth/piconet protocol is well known in the art, and therefore it would have been obvious to one of ordinary skill in the art a the time the invention was made to incorporate Bluetooth/piconet protocol or any other communication protocol as desired into the system of Lemelson, since Bluetooth would

have provided a reliable, and inexpensive means of intercommunicating signal in the system.

-- With regards to claim 18, it would have been obvious that the second vehicle would have been within about 30 meters, or any other distance as desired that would have allowed intercommunication of information in the system, since the vehicles include transceivers which would have allowed communication from any distance.

**ART REJECTION:**

***Response to Arguments***

6. Applicant's arguments with respect to claims 1-27,32-35, and 44 have been considered but are moot in view of the new ground(s) of rejection.

***Conclusion***

7. Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of

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the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

8. Any inquiry concerning this communication or earlier communications from the examiner should be directed to DARYL C. POPE whose telephone number is 571-272-2959. The examiner can normally be reached on M-TH 9:00-7:30.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, MIKE HORABIK can be reached on 571-272-3068. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

Daryl C. Pope

October 15, 2006

DARYL C POPE  
Primary Examiner  
Art Unit 2612

